

I do not want to see this historic nomination of Sonia Sotomayor treated unfairly or less fairly than the Senate treated the nomination of John Roberts. In 2005, when President Bush made his first nomination to the Supreme Court, Senator MCCONNELL, who was the majority whip, said the Senate should consider and confirm the nominations within 60 to 70 days. We worked hard to achieve that.

The nomination of Judge Sotomayor should more easily be considered within that timeframe. Judge Sotomayor has been nominated to succeed Justice Souter, a like-minded, independent and fair Justice, not bound by ideology, but one who decided each case on its merits and in accordance with the rule of law. We have the added benefit of her career being one that includes her service on the judiciary for the past 17 years. Her judicial decisions are matters of the public record. Indeed, when my staff assembled her written opinions and offered them to the Republican staff, they declined, because they already had them and were reviewing them. We have the benefit of her judicial record being public and well known to us. We have the benefit of her record having been a subject of review for the last month, since at least May 1, when she was mentioned as a leading candidate to succeed Justice Souter. We have the benefit of having considered and confirmed her twice before, first when nominated to be a judge by a Republican President and then when elevated to the circuit court by a Democratic President. We have the benefit of not having to search through Presidential libraries for work papers of the nominee. By contrast, the 75,000 pages of work papers for John Roberts required extensive time and effort to retrieve them from Presidential libraries and to overcome claims of privilege. In fact, they were still being received just days before the hearing.

To delay Judge Sotomayor's hearing until September would double the amount of time that Republicans and Democrats agreed was adequate to prepare for Judge Roberts' hearing. That would not be fair or appropriate. That would not be equal treatment.

Unlike the late July nomination of John Roberts, this nomination of Judge Sotomayor by President Obama was announced in May. Unlike the resignation of Justice O'Connor that was not announced until July, the retirement of Justice Souter was made official on May 1. Given that the vacancy arose 2 months earlier, and the nomination was made after bipartisan consultation 2 months earlier, by following the Roberts roadmap, we should be able to complete the process 2 months earlier. We should be able to complete the entire process by the scheduled recess date of August 7.

Of course, while the Roberts nomination was pending, Chief Justice Rehnquist passed away and President Bush decided to withdraw the initial nomination to be an Associate Justice,

and proceeded to nominate John Roberts to succeed the Chief Justice, instead. We did not insist that the process start over; rather, we continued to move forward. It was the aftermath of Hurricane Katrina, with its destruction and toll in damage and human life, that pushed the start of the hearings back 1 week, by bipartisan agreement.

We were still able to complete Senate consideration and the Senate confirmed John Roberts to be the Chief Justice 72 days after he was initially designated to be an Associate Justice. We did this despite the fact his initial nomination was withdrawn and only shortly before his hearing he was re-nominated to serve as the Chief Justice of the Supreme Court. And we did this despite the terrible aftermath of Hurricane Katrina, where everybody—Republicans and Democrats alike—agreed that we should hold back a week on the hearings so we could all concentrate the Nation's resources on Hurricane Katrina. So that required a week's delay. If we followed the same schedule, 72 days after Judge Sotomayor was nominated to the Supreme Court would be August 6—and we will not have to lose 7 of those days to Hurricane Katrina.

Her historic nomination should be treated as fairly as the nomination of John Roberts was treated by the Senate. Given the outrageous attacks on Judge Sotomayor's character, I do not think it fair to delay her hearing. I cringed when I was told that, during the courtesy visit Judge Sotomayor paid to Senator MCCONNELL, reporters shouted questions about conservatives calling her a racist. She had to sit there silently and could not respond. She deserves that opportunity as soon as possible.

The hearing is the opportunity for all Senators on the Judiciary Committee, both Republicans and Democrats, to ask questions, to raise concerns, and to evaluate the nominee. As Senator SESSIONS' Saturday radio speech ably demonstrates, Republican Senators are already prepared to ask their questions. Last week, we were considering another judicial nomination at the meeting of the Judiciary Committee when Senator KYL suggested that he may oppose all of President Obama's nominees given what he views as the criteria President Obama is considering in selecting them. Republicans have questioned whether her recognition that she brings her life experience with her, as all judges do, is somehow disqualifying.

Our Republican colleagues have said they intend to ask her about her judicial philosophy. It doesn't take a month to prepare to ask these questions. In fact, most of them have already raised the questions. They will surely be prepared to ask them more than a month from now. And during that month, we have a week's vacation from the Senate. I intend to be using that week—without the interruption of committee hearings, without the inter-

ruption of votes, without the interruption of the regular Senate business—to prepare for the hearings. I would advise those Senators who feel they have to have extra time to forgo your vacation and spend that week preparing for the hearing. Holding Judge Sotomayor's hearing on July 13 will, in effect, afford 10 weeks for them to have prepared.

Because this is a historic nomination, I hope all Senators will cooperate. It is a schedule that I think is both fair and adequate—fair to the nominee, but also adequate for the Senate to prepare for the hearing and Senate consideration. There is no reason to indulge in needless and unreasonable delay.

I say this is a historic nomination because it should unite and not divide the American people and the Senate. Hers is a distinctly American story. Whether you are from the south Bronx or the south side of Chicago or south Burlington, VT, the American dream inspires all of us. Her life story is the American dream. And so, I might add, is the journey of the President who nominated her.

Some are simply spoiling for a fight. There have been too many unfair attacks, people unfairly calling her racist and bigoted. I know Sonia Sotomayor, and nothing could be further from the truth. These are some of the same people who vilify Justice Souter and Justice O'Connor. Americans deserve better. There are others who have questioned her character and temperament. She deserves a fair hearing, not a trial by attack and assaults upon her character. So let's proceed to give her that fair hearing without unnecessary delay.

I am also disappointed that some have taken to suggesting that after 17 years as a Federal judge, including 11 as a member of the U.S. Court of Appeals for the Second Circuit, Judge Sotomayor does not understand "the judge's role." I know her to be a restrained and thoughtful judge. She has reportedly agreed with judges appointed by Republican Presidents 95 percent of the time. Let us respect her achievements, her experience and her understanding. Let no one demean this extraordinary woman or her understanding of the constitutional duties she has faithfully performed for the last 17 years. I urge all Senators to join with me to fulfill our constitutional duties with respect.

I have said many times on the floor of this great body over my 35 years here that as Senators we should be the conscience of the Nation, as we are called upon to be. There have been occasions when this Senate—Republicans and Democrats alike—has united and shown they can be the conscience of the Nation. I would say this is one time we should rise above partisanship and be that conscience.

When I met with Judge Sotomayor, I asked her about her approach to the law. She answered that, of course, one's life experience shapes who you are, but ultimately and completely—